



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDDIE MERCADO,

Plaintiff,

-against-

POLICE DETECTIVE ERIC PILGER et al.,

Defendants.
----- X

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: 08 Civ. 11346 (WHP)

:
: ORDER

WILLIAM H. PAULEY III, District Judge:

By letter dated January 16, 2009, and received by this Court on March 20, 2009,¹ Plaintiff pro se Freddie Mercado ("Plaintiff") requests appointment of counsel. This case was assigned to this Court following Plaintiff's filing of a complaint on December 30, 2008.

Unlike criminal defendants, indigents filing civil actions have no constitutional right to counsel. However, 28 U.S.C. § 1915(e)(1) provides that the court may request an attorney to represent any person unable to afford counsel. In determining whether to grant Plaintiff's request for counsel, this Court must consider:

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). As a threshold matter, Plaintiff must demonstrate that his claim has substance or a likelihood of success. See Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986). In addition, in reviewing a request for counsel, the court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus should not grant appointment of counsel indiscriminately. Cooper, 877 F.2d at 172.

¹ Plaintiff's letter was first sent to the Westchester Bar Association, then to the Federal Defenders office, and then to the Clerk of the Court in White Plains.

A more fully developed record will be necessary before this Court can determine if Plaintiff's chances of success warrant the appointment of counsel. Therefore, Plaintiff's application is denied without prejudice to its renewal at such time as the existence of potentially meritorious claims may be demonstrated.

This Court reminds Plaintiff that the Pro Se Office is a valuable resource in assisting litigants, such as Plaintiff, who proceed in federal court without the assistance of counsel. The Pro Se Office may be contacted at:

Pro Se Office
Southern District of New York
500 Pearl Street, Rm. 230
New York, New York 10007
(212) 805-0175

Dated: March 25, 2009
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Copy mailed to:

Mr. Freddie Mercado
198622
Westchester County jail
P.O.Box 10
Valhalla, NY 10595
Plaintiff Pro Se